

MAR 06 2009

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

PATRICK OTIS NELSON,

Petitioner - Appellant,

v.

KEIRAN D.C. MANJARREZ;
CAROLYN JOYCE FERSHTMAN,

Respondents - Appellees.

No. 08-16855

D.C. No. 2:07-cv-02210-MCE-
CMK

MEMORANDUM^{*}

Appeal from the United States District Court
for the Eastern District of California
Morrison C. England, District Judge, Presiding

Submitted February 18, 2009^{**}

Before: BEEZER, FERNANDEZ, and W. FLETCHER, Circuit Judges

Patrick Nelson, a California state prisoner, appeals pro se the denial of his mandamus petition seeking an order compelling his counsel to produce legal

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

documents so that he may file a habeas corpus petition. We have jurisdiction under 28 U.S.C. § 1291, and we affirm.

In a mandamus action, a federal court has authority only to issue orders against employees, officers, or agencies of the United States. *See* 28 U.S.C. § 1361. We therefore affirm the denial of Nelson’s petition. *See Kildare v. Saenz*, 325 F.3d 1078, 1084 (9th Cir. 2003).

AFFIRMED.